

United States Courts
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

November 03, 2020

David J. Bradley, Clerk of Court

STATE OF TEXAS et al. ,

Plaintiff,

v.

Civil Action No. 18-cv-0068 (ASH)

UNITED STATES OF AMERICA et al.,

Defendant.

AMICUS DECLARATION SUPPLEMENT SUPPORT TO DOCKET ITEMS #491 and #483
OPPOSES ITEMS #209 and #492: RE SCOTUS RULING IN NO. 18-587 AND DOCKET
ITEM #461 STAY ORDER WITH LOCAL RULE 5-2 RELATED CASES OF AMICUS
CHRISTOPHER EARL STRUNK, THE NATURAL-BORN-CITIZEN (NBC) BIRther
TRUSTEE FOR THE AD HOC NEW YORKER REPUBLICAN COMMITTEE, STATUS
RECONSIDERATION MOTION FOR FRCvP RULE 65(b) RELIEF AT DOCKET ITEM
#483, AFFIRMATION IN OPPOSITION TO THE STATES AMICI CURIAE MOTION FOR
RELIEF AT DOCKET ITEM #209 BY : NEW YORK, CALIFORNIA, CONNECTICUT,
DELAWARE, HAWAII, ILLINOIS, IOWA, MAINE, MARYLAND, MASSACHUSETTS,
MINNESOTA, NEW MEXICO, NORTH CAROLINA, OREGON, PENNSYLVANIA,
RHODE ISLAND, VIRGINIA, VERMONT, WASHINGTON, AND THE DISTRICT OF
COLUMBIA IN OPPOSITION TO PLAINTIFFS' REQUEST FOR INJUNCTION AGAINST
THE DEFERRED ACTION FOR CHILDHOOD ARRIVAL (DACA)

1. AMICUS Declaration Supplement in Support of Docket Items #491 and #483 that opposes
Items #209 and #492, by New York county born citizen Christopher Earl Strunk, a dejure
Natural-Born-Citizen (NBC) born on soil to U.S. Citizen parents as the generational transfer
utility tool for allegiance to the United States of America constitutional republic of limited
government under God without need for further oath, regarding our intervener submission
filed at Docket Item #465 and #466 that on 21 August 2020 were only granted Amicus Status
as Trustee(s) of AD HOC NEW YORKER REPUBLICAN COMMITTEE shown at Docket

Item #475 that opposes the CIA's *VOID AB INITIO* alien POTUS USURPER a.k.a. Barack Hussein Obama a.k.a. Soebarkah whose Executive Order *Deferred Action for Childhood Arrivals* (DACA) also applies to Jamaican Citizen KAMALA DEVI HARRIS the dual allegiance citizen imposter who at best by operation of law is VOID AB INITIO too, as neither is a *natural born Citizen* per se; and

2. This is continuation of the previous exhibit labeling A through N, supplements the Claim Exhibits shown at E-4 and K, in that the State of New York Court of Claims on 26 October 2020 assigned Claim No. 135318 to Claims Judge Francis T. Collins (see **Exhibit O**) subject to whatever legal objections including the Motion to Dismiss by the Defendant's NYS AAG ANTHONY ROTUNDI (Claim AAG) with motion return date 18 November 2020 shown at Exhibit K for Claimants response by 11 November 2020; and
3. Notwithstanding the State's willful failure to use the U.S. Constitution Article 2 Section 1 Clause 5 express term "natural-born Citizen" in its *Running For Office - Chart* shown at Exhibit E-4-C, nevertheless a declaratory judgment herein will assist this Court to resolve underlying issues of DACA per se herein, and allow Claimant Amicus to prevail in the Claim No. 135318 whose response to the Claim Motion to Dismiss per se does require a declaratory judgment from this court unopposed in that Exhibit K shows in the Claim AAG Motion to Dismiss support affirmation paragraphs 3 and 4 ipse dixit raises an over-riding 14th Amendment Federal question conflict of interpretation *obiter dictum* to be settled herein:
 3. To summarize, the claim alleges that under Claimant's interpretation of the 14th Amendment of the United States, Democratic Vice-Presidential candidate Kamala Harris is not a citizen of the United States and therefore ineligible to hold the office of vice-president.
 4. The claim requests injunctive relief "for cause that the state be ordered to":
 - a) Clarify for all voters Claimant's interpretation of citizenship under the 14th Amendment
 - b) That all requests for absentee ballots make such a clarification;
 - c) That notice be placed at polls that Senator Harris is not a natural born citizen.
4. That it is appropriate for Strunk to request for creation of relief by declaratory judgment

under 28 USC §2201(a) with further relief under 28 USC §2202 on *obiter dictum* that raises an over-riding 14th Amendment Federal question with conflict of interpretation applies to this Declaration Supplement Support for Docket Items #491 and #483 that opposes Items #492 (see **Exhibit P**) also uniquely applies in opposition to Item #209; and

5. Further, in that lead Counsel for New York State, Andrew W. Amend *pro hac vice* along with Lawrence J. Joseph *pro hac vice* also represents the State of Iowa and former House Member Steve King at Docket Item #492 UNOPPOSED MOTION OF CONGRESSMEN STEVE KING ET AL. FOR LEAVE TO FILE A MEMORANDUM OF LAW AS AMICI CURIAE IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT shown as Exhibit P will aide the Court in this DACA matter with a Declaratory Judgment on the New York *obiter dictum* over-riding 14th Amendment Federal question for several reasons:

- i. That former House Member Steve King was also the national co-chairman of the Ted Cruz for President campaign run in 2016; and
 - ii. Similar to Kamala Harris and Soebarkah, the Texas Solicitor General Ted Cruz served while a Canadian citizen from January 9, 2003 – May 12, 2008; and
 - iii. Similar to Kamala Harris and Soebarkah at best with multi-citizenship, Ted Cruz while a Canadian became a US Senator of Texas on January 3, 2013 until present;
 - iv. Like Ted Cruz, Kamala Harris and Soebarkah also entered USA from Canada; and
 - v. However on or about 30 December 2013 reported by the N.Y. Daily News (see **Exhibit Q**) Ted Cruz expressed interest in renouncing the Canadian part of triple citizenship as a Canadian and subject of the British Commonwealth; and
6. From approximately 2014 Strunk has been an attending member of the monthly Monday Meeting hosted by The Women's National Republican Club Inc. at 3 West 51st Street New York New York, and where in 2018 during Steve King's re-election race he was invited to

speak, and whom in private I asked does he still consider Cruz a NBC to wit King said yes.

7. On 21 October 2020 President Trump issued a fact sheet notice *President Donald J. Trump Is Taking Action to Promote Good Governance and Accountability Within the Federal Workforce* (see **Exhibit R**) effecting the SENIOR EXECUTIVE SERVICES (SES) that we contend is in response to disclosures by Col. Field McConnell (USAF ret.) about his sister Christine Marcy (SES Director) and David Hawkins (SAS ret) on the importance of Five-Eyes / SES conflicted relationship to SERCO Inc., Privy Council, and Pilgrim Society of Britain involving extensive research coverage by the *American Intelligence Media* and *Leader Technologies Incorporated* a software development and marketing company in Columbus Ohio - Strunk has a level 2 stockholder interest in Leader's Miller Act claim filed with President Trump.

CONSOLIDATED NEW YORK REAL PROPERTY LAW

8. That the Dutch / British patented settlements in the crown colony of New York has great mineral wealth historically protected by law against all forms of adverse possession both before and after the revolution; and
9. Further, keeping in mind that the United Kingdom till this day continues to recognize at a minimum a "right to return without residence" which is akin to an easement or incorporeal hereditament interest in property although also recognizes a reversion right; and
10. Further any item of property, either a *corporeal hereditament* (such as land or a building) or an *incorporeal hereditament* (such as a rent or a right of way) boils down to tax rates that were not payable on any unoccupied hereditament and or an item of inheritance.
11. As a distinction between native-born-citizen and natural-born-citizen, New York Consolidated Real Property Statutes make provisions in Article 2 *Tenure of Real Property* at Section 10 *Capacity to hold real property* quote:

1. A citizen of the United States is capable of holding real property within this state, and of taking the same by descent, devise or purchase.

2. Aliens are empowered to take, hold, transmit, and dispose of real property within this state in the same manner as **native-born citizens** and their heirs and devisees take in the same manner as citizens.

3. For the purpose of maintaining offices and places of residence for its ambassadors and consular officers and for its representatives at the United Nations, a foreign government is empowered to hold, transmit and dispose of real property within this state. Title to such property may be taken either in the name of the foreign government or in the name of its ambassador or consul or in the name of its minister to the United Nations. If a conveyance of real property is made to an ambassador or consul or minister of a foreign government as such, or contains appropriate words showing the intention to vest the title in the holder of the office rather than in the named individual, the title to the real property shall pass from time to time without any further conveyance to the respective successors in such office, who shall have full power to dispose of such property.

12. As a distinction between native-born-citizen and natural-born-citizen, that New York

Consolidated Statutes at Real Property makes provisions in Article 2 at Section 18 *Mines in Saint Lawrence county Real Property* (RPP) requires quote:

The proprietors of any mines or veins of lead or copper in the county of Saint Lawrence, may demise, lease, or rent the same for a period not to exceed twenty-one years from the date of any such lease, to any foreign individual or company, and such lessee may take, hold, work, use or convey the same during the said term, in the same manner and subject to the same liabilities as if such lessee were a **natural born citizen**.

13. That there are several major mines or mineral deposits protected by New York law:

- i. **The Benson Mine** is an iron-ore mine located near Star Lake, a village in the southern St. Lawrence County, New York. The ore body at Benson Mine was discovered in 1810 by engineers conducting a survey for a new military road from Albany to Ogdensburg. In the 1950s, mine was considered the largest open pit iron-ore mine in the world. The mine was finally closed in 1978.
- ii. **Tahawus** (also called Adirondac, or McIntyre, pronounced 'tuh-hawz') was a village in the Town of Newcomb, Essex County, New York, United States. It is now a ghost town situated in the Adirondack Park. Tahawus is located in Essex County within the unpopulated northern area designated to the town of Newcomb. Tahawus was the site of major mining and iron smelting operations in the 19th century.
- iii. **Gore Mountain** is a mountain located near the village of North Creek in Warren County, New York, of which its peak is the highest point. Gore is flanked to the north by South Mountain, and to the southwest by Height of Land Mountain. The mountain is the site of the popular Gore Mountain ski resort. Industrial garnet has been mined at

the Barton garnet mine in the Gore Region since 1878 when Henry Hudson Barton began mining garnet for use as sandpaper abrasives.

- iv. **The Joppenbergh Mountain** is a nearly 500-foot (152 m) mountain in Rosendale Village, a hamlet in the town of Rosendale, in Ulster County, New York. The mountain is composed of a carbonate bedrock overlain by glacially deposited material. It was named after Rosendale's founder, Jacob Rutsen, and mined throughout the late 19th century for dolomite that was used in the manufacture of natural cement.
 - v. In 1994, **the Retsof Salt Mine** was the largest salt mine in North America, and the second largest in the world. Three hundred people worked within the 6,000 acres (24 k^m²; 9.4 sq mi) of excavated space, 1,000 feet (300 m) below ground, extracting salt from a natural deposit for use as road salt, table salt, and in industry. In March 1994, the ceiling in one of the large underground chambers collapsed, the first of a series of effects caused by groundwater entering the salt deposit, which had been dry for all of the 110 previous years of mining at the site.
 - vi. The **Snyder Estate Natural Cement Historic District** is located in the Town of Rosendale, New York, United States. It is a 275-acre (111 ha) tract roughly bounded by Rondout Creek, Binnewater and Cottekill roads and Sawdust Avenue. NY 213 runs through the lower portion of the district, paralleling the dry bed of the Delaware and Hudson Canal. Within the district's bounds are 122 contributing properties representing what remains of five plants that produced Rosendale cement, and the homes and dependencies of the Snyder family, who originally owned the land. They range in age from the bed of the canal, where the cement was discovered in 1825 during construction, to some of the last factories built before 1970.
 - vii. The **Tilly Foster Mine** was an iron mine in the Town of Southeast in Putnam County, New York, USA, two miles west of the village of Brewster along Route 6. After Foster's death in 1842, the property passed through several hands before it came into the possession of Harvey Iron and Steel Company. The mine opened in 1853 and employed large numbers of Irish and Italian immigrants. The jobs available at the mine played a large part in bringing immigrants to the town of Southeast. The mine reached its peak of production in the 1870s. It was 600 feet (180 meters) deep. There were 300 miners employed and they were producing 7,000 tons (14,000,000 pounds) of ore per month. The main minerals were magnetite and chondrodite. The iron ore was loaded onto a train to New York City. Large quantities of Bessemer ore were shipped to Scranton, Pennsylvania, and used to make steel rails for the Lackawanna Steel Company. From 1887 to 1889, the mine was made into an open pit, at the time the largest man-made pit.
 - viii. **The Sterling Lake** is located in Sterling Forest State Park, New York. The Sterling Lake area is rich in magnetite deposits. Since before the American Revolution, this area was an important source of iron ore for the colonies. Ore was discovered at the site of the old Sterling Mine in 1750, on the south shore of the lake. This led to the establishment of what would become known as the Sterling Iron Works. Another mine, called the Lake Mine, ran underneath Sterling Lake for some 3,800 feet at a depth of about 900 feet. The mines were finally closed in 1921.
14. That for 60 years tyrannical socialist politicians raced to close industry and agriculture in the

name of environmentalism, wetlands, acid rain, cow farts, vegetarians, WTO trade and look but don't touch upstate policy that over taxes productive land and uses water to be sold to the Communist Chinese from a state that once fed the world now begs for government cheese.

IN CONCLUSION

In light of the foregoing supplemental evidence for relief against State of New York officers who like ground hog day have repeatedly refused since 2008 to abide by the U.S. Constitution Article 2 Section 1 Clause 5 required use of express term Natural-Born-Citizen in the NYS Board of Election requirement for Running for Office of POTUS and VPOTUS that has caused tremendous damage to the country now want to make it worse with Jamaican Citizen Kamala Devi Harris Communist who as POTUS, when criminal racketeer placeholder JR Biden passes, will open borders for sanctuary states and cities, remove the border wall, will eliminate available cheap energy and that by seditious treachery to replace New Yorkers with vulnerable DACA illegals in an Antonio Gramsci cultural dystopia that with the finalized Census enumeration due by 31 December 2020 for redistricting in which New York City alone will lose 3 House seats, therefore Strunk seeks personal plaintiff intervener standing herein as an urgent DACA matter being the sole representative of the State of New York under the Tenth Amendment with demands for national emergency injunctive relief under FRCvP Rule 65(b) for cause in evidence in that the State of New York is still without a functioning court system be ordered to:

- a. CLARIFY FOR ALL POTENTIAL VOTERS THAT BORN A CITIZEN SUGGESTED BY THE STATE SHOWN AT (NYND 16-cv-1496 docket item 41-1) EXHIBIT E-4-C DOES NOT INCLUDE A 14TH AMENDMENT *BORN A CITIZEN* INTERPRETATION, ONLY INCLUDES THE PRE 14TH AMENDMENT U.S. CONSTITUTION ARTICLE 2 SECTION 1 CLAUSE 5 NATURAL BORN CITIZEN TERM OF ART THAT REQUIRES A CANDIDATE FOR POTUS AND OR VPOTUS MUST BE BORN ON SOIL OF CITIZEN

PARENTS ACCORDING TO THE SCOTUS FINDINGS IN *Minor v. Happersett*,
88 U.S. (21 Wall.) 162 (1875) and *United States v. Wong Kim Ark*, 169 U.S. 649 (1898);

- b. THAT ALL REQUESTS FOR ABSENTEE BALLOTS MAKE SUCH CLARIFICATION;
and
- c. THAT NOTICE IS PROMINENTLY DISPLAYED AT THE POLLS THAT KAMALA
DEVI HARRIS IS NOT A NATURAL BORN CITIZEN; and
- d. That Strunk needs an order of the Court to obtain a certified copy of the Birth Certificate of
KAMALA DEVI (IYER) HARRIS from Alameda County California; and
- e. That Strunk needs an order of the Court for Occidental College to release the financial
records for Barry Soetoro aka BARACK HUSSEIN OBAMA among other aliases even in
camera if necessary; and
- f. That Strunk needs an order of the Court for Columbia University to release the financial
records for Barry Soetoro aka BARACK HUSSEIN OBAMA among other aliases even in
camera if necessary; and
- g. That Strunk needs an order of the Court for Harvard University to release the financial
records for Barry Soetoro aka BARACK HUSSEIN OBAMA among other aliases even in
camera if necessary; and
- h. That Strunk needs an order of the Court for NYS DEPARTMENT OF EDUCATION to
release the financial records for Barry Soetoro aka BARACK HUSSEIN OBAMA among
other aliases even in camera if necessary; and
- i. That Strunk needs an order of the Court for Business International Corporation (BIC) to
release the financial records for its employee Barry Soetoro aka BARACK HUSSEIN
OBAMA among other aliases even in camera if necessary; and
- j. That Strunk needs an order of the Court for the US STATE DEPARTMENT / US

- HOMELAND SECURITY to release the naturalization records for Barry Soetoro aka BARACK HUSSEIN OBAMA among other aliases even in camera if necessary; and
- k. That Strunk needs an order of the Court for the US STATE DEPARTMENT / US HOMELAND SECURITY to release the naturalization records for TED CRUZ among other aliases even in camera if necessary; and
- l. That Strunk needs an order of the Court for the US STATE DEPARTMENT / US HOMELAND SECURITY to release the naturalization records for KAMALA DEVI HARRIS among other aliases even in camera if necessary; and
- m. That Strunk needs an order of the Court to declare DACA an unconstitutional VOID AB INITIO Executive Order of BARACK HUSSEIN OBAMA; and
- n. That Strunk needs a hearing for an order of the Court that HARRIS is NOT NBC must be removed from the U.S. Senate, and that BARACK HUSSEIN OBAMA is NOT NBC with emoluments of each to be reported for a claw-back preceding; and
- o. Additional different relief as the court deems necessary for justice herein including a . declaratory judgment under 28 USC §2201(a) with further relief under 28 USC §2202 on *obiter dictum* that raises an over-riding 14th Amendment Federal question with conflict of interpretation as applies to the DACA matter herein with a requirement to sort out natural-born-Citizen from Native-born-Citizen from born a citizen born on soil of citizen parents and or naturalized.

Wherefore in addition to the associated papers in support of the relief with time as the essence before the 14 December 2020 electoral college election, I, Christopher Earl Strunk duly so affirm and declare under 28 USC §1746 under penalty of perjury as to the truth and accuracy of

this AMICUS DECLARATION SUPPLEMENT SUPPORT TO DOCKET ITEMS #491 and #483 OPPOSES ITEMS #209 and #492: RE SCOTUS RULING IN NO. 18-587 AND DOCKET ITEM #461 STAY ORDER WITH LOCAL RULE 5-2 RELATED CASES OF AMICUS CHRISTOPHER EARL STRUNK, THE NATURAL-BORN-CITIZEN (NBC) BIRTHER TRUSTEE FOR THE AD HOC NEW YORKER REPUBLICAN COMMITTEE, STATUS RECONSIDERATION MOTION FOR FRCvP RULE 65(b) RELIEF AT DOCKET ITEM #483, AFFIRMATION IN OPPOSITION TO THE STATES AMICI CURIAE MOTION FOR RELIEF AT DOCKET ITEM #209 BY : NEW YORK, CALIFORNIA, CONNECTICUT, DELAWARE, HAWAII, ILLINOIS, IOWA, MAINE, MARYLAND, MASSACHUSETTS, MINNESOTA, NEW MEXICO, NORTH CAROLINA, OREGON, PENNSYLVANIA, RHODE ISLAND, VIRGINIA, VERMONT, WASHINGTON, AND THE DISTRICT OF COLUMBIA IN OPPOSITION TO PLAINTIFFS' REQUEST FOR INJUNCTION AGAINST THE *DEFERRED ACTION FOR CHILDHOOD ARRIVAL (DACA)*

November 1 2020
Lake Luzerne, New York



Christopher Earl Strunk, in esse Sui juris
sole beneficiary agent in propria persona
for CHRISTOPHER EARL STRUNK
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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

STATE OF TEXAS et al. ,

Plaintiff,

v.

Civil Action No. 18-cv-0068 (ASH)

UNITED STATES OF AMERICA et al.,

Defendant.

AMICUS DECLARATION SUPPLEMENT SUPPORT TO DOCKET ITEMS #491 and #483
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COLUMBIA IN OPPOSITION TO PLAINTIFFS' REQUEST FOR INJUNCTION AGAINST
THE DEFERRED ACTION FOR CHILDHOOD ARRIVAL (DACA)

EXHIBIT O



Court of Claims State of New York

ROBERT ABRAMS BUILDING
FOR LAW AND JUSTICE
BOX 7344, CAPITOL STATION
ALBANY, NEW YORK 12224

(518) 432-3411

Richard E. Sise
Acting Presiding Judge

Eileen F. Fazzone
Chief Clerk

October 26, 2020

H. W. Van Allen
351 North Road
Hurley, NY 12443

Dear Sir/Madam:

This will acknowledge receipt in this office on September 10, 2020 of the claim of:

**CHRISTOPHER EARL STRUNK AND AD HOC NEW YORKER REPUBLICAN COMMITTEE
v. STATE OF NEW YORK**

Said claim has been filed in this office as of September 10, 2020, subject to whatever legal objections may apply thereto and has been given:

Claim No. 135318

It is our determination that this claim accrued in Albany County. In accordance with the provisions of the Individual Assignment System, this claim has been assigned to:

Hon. Francis T. Collins
Phone No. (518) 583-5340

All inquiries regarding this claim shall be made directly to the assigned judge.

Please continue to file all pleadings with the Clerk's office in Albany (Uniform Rules for the Court of Claims §206.5). Filings may be made by personal service, mail or by facsimile transmission pursuant to §206.5-a of the Rules. The Court of Claims' fax filing number is 1-866-413-1069. Visit the Court's website listed below for additional information.

If you have not filed proof of service of the claim upon the defendant, please do so immediately.

Very truly yours,

Eileen F. Fazzone
Chief Clerk

EFF/Hin
cc: Office of the Attorney General

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

STATE OF TEXAS et al. ,

Plaintiff,

v.

Civil Action No. 18-cv-0068 (ASH)

UNITED STATES OF AMERICA et al.,

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COLUMBIA IN OPPOSITION TO PLAINTIFFS' REQUEST FOR INJUNCTION AGAINST
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EXHIBIT P

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS,
BROWNSVILLE DIVISION

STATE OF TEXAS, *et al.*,

Plaintiffs,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants,

KARLA PEREZ, *et al.*,

Defendants-Intervenors.

Case No. 1:18-cv-0068-ASH

**UNOPPOSED MOTION OF CONGRESSMEN STEVE KING *ET AL.* FOR LEAVE TO
FILE A MEMORANDUM OF LAW AS *AMICI CURIAE* IN SUPPORT OF PLAINTIFFS'
MOTION FOR SUMMARY JUDGMENT**

Pursuant to FED. R. CIV. P. 7 and Local Rule 7, Congressman Steve King, Representative of Iowa's 4th Congressional District, and Congressman Paul A. Gosar, D.D.S., Representative of Arizona's 4th Congressional District (collectively, "Movants") respectfully request this Court's leave to file the accompanying memorandum of law as *amici curiae* in support of the state plaintiffs (collectively, the "States") in their renewed motion for summary judgment (ECF #486). Pursuant to Local Rule 7, Movants' counsel has conferred with counsel for the parties, and no party opposes the filing of the accompanying *amicus* brief. A proposed order is attached. Movants do not request oral argument. Movants filed as *amici curiae* (ECF #369) in support of the States' earlier motion for summary judgment (ECF #356) and largely renew that filing here in support of the States' renewed motion, with revisions to reflect the Supreme Court's supervening decision in *Dep't of Homeland Sec. v. Regents of the Univ. of California*, 140 S.Ct. 1891 (2020).

IDENTITY AND INTERESTS OF MOVANTS

As Members of the One Hundred Sixteenth Congress and as citizens, Movants share an

interest in the federal government's operating in accordance with the U.S. Constitution. In this proceeding, Movants represent the branch of government that the Constitution vests not only with plenary power over the field of immigration, U.S. CONST. art. I, §8, cl. 4; *DeCanas v. Bica*, 424 U.S. 351, 354 (1976), but also with the authority to make law. U.S. CONST. art. I, §1; *Loving v. United States*, 517 U.S. 748, 771 (1996). By purporting to make substantive immigration law and by doing so without complying with the procedural rulemaking process Congress requires, the federal defendants' predecessors in the prior administration violated the separation of powers set forth in the Constitution. As members of a co-equal branch of our federal government, Movants have a compelling interest in protecting—and a constitutional duty to protect—the separation-of-powers principle that underlies our government. That principle requires executive agencies to adhere both to the substantive laws and to the procedural rulemaking requirements enacted by Congress. For these reasons, Movants have direct and vital interests in the issues raised here, and respectfully request leave to file the accompanying memorandum in support of the States.

REASONS TO GRANT MOVANTS *AMICUS CURIAE* STATUS

This Court allows the filing of *amicus* briefs in appropriate cases, including both the predecessor to this litigation, *Texas v. United States*, 86 F.Supp.3d 591, 608 (S.D. Tex. 2015), and this case, in which this Court allowed *amicus* briefs by these Movants in support of the States. *See* Order, 1 (Jun. 8, 2018) (ECF #69) (preliminary injunction); Order, 1 (July 24, 2018) (ECF #244) (motion to dismiss); Order, 1 (Feb. 26, 2019) (ECF #368) (summary judgment). Unlike the corresponding appellate rules, the federal and local rules applicable here do not address *amicus* briefs specifically. Nonetheless, Movants look to the appellate rules' criteria for granting leave to file *amicus* briefs to support their motion here.

The Advisory Committee Note to the 1998 amendments to Rule 29 explains that “[t]he amended rule ... requires that the motion state the relevance of the matters asserted to the

disposition of the case” as “ordinarily the most compelling reason for granting leave to file.” FED. R. APP. P. 29, Advisory Committee Notes, 1998 Amendment. As now-Justice Samuel Alito wrote while serving on the U.S. Court of Appeals for the Third Circuit, “I think that our court would be well advised to grant motions for leave to file *amicus* briefs unless it is obvious that the proposed briefs do not meet Rule 29’s criteria as broadly interpreted. I believe that this is consistent with the predominant practice in the courts of appeals.” *Neonatology Assocs., P.A. v. Comm’r*, 293 F.3d 128, 133 (3d Cir. 2002) (citing Michael E. Tigar and Jane B. Tigar, *Federal Appeals—Jurisdiction and Practice* 181 (3d ed. 1999) and Robert L. Stern, *Appellate Practice in the United States* 306, 307-08 (2d ed. 1989)). Now-Justice Alito quoted the Tigar treatise favorably for the statement that “[e]ven when the other side refuses to consent to an *amicus* filing, most courts of appeals freely grant leave to file, provided the brief is timely and well-reasoned.” 293 F.3d at 133. With that background, Movants explain the relevance and value of their brief to this Court’s consideration of the important issues presented here.

The proffered memorandum of law would draw the Court’s attention to several important matters:

- The States’ procedural injuries lower the Article III thresholds for immediacy and redressability. *Amici* Memo. at 4-5.
- Because defendants-intervenors lack a judicially cognizable right, they cannot seek relief different from the relief that their supported party, the federal government, seeks. *Amici* Memo. at 5-8.
- With regard to dismissal of “friendly” or “collusive” suits, *Amici* distinguish between jurisdictional and prudential dismissals and demonstrate why neither type of dismissal would be appropriate here. *Amici* Memo. at 6-8.

- Although the plaintiffs' complaint does not expressly seek *vacatur* of the challenged policy, this Court can provide that relief under the complaint's "general prayer," the Administrative Procedure Act, the All Writs Act, FED. R. CIV. P. 54(c), and FED. R. CIV. P. 15. *Amici Memo.* at 8-10.
- Under *Fed'l Crop. Ins. Corp. v. Merrill*, 332 U.S. 380, 384 (1947), and its progeny, reliance by the regulated community on the challenged DACA program provides no equitable basis for deferring or withholding equitable relief because any such reliance was *per se* unreasonable. *Amici Memo.* at 21-24.
- Extra-circuit cases that challenge the government's rescission of a rule in 2017 are distinct from this challenge to the government's promulgation of that rule in 2012-2014, and the "favorable" results for defendants-intervenors in those extra-circuit cases, including *Regents*, will not aid defendants-intervenors here. *Amici Memo.* at 24-25.

Because these issues all are relevant to this Court's decision on summary judgment, Movants' memorandum may aid the Court.

For all these reasons, Movants respectfully request that this Court to grant the motion for leave to file the accompanying memorandum of law as *amici curiae*.

Dated: October 23, 2020

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Respectfully submitted,

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Counsel for Movants

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of October, 2020, I electronically filed the foregoing motion—together with the accompanying memorandum of law and proposed order—with the Clerk using the CM/ECF system, which I understand to have served the parties' counsel who are registered in as CM/ECF users.

/s/ Lawrence J. Joseph
Lawrence J. Joseph

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

STATE OF TEXAS et al. ,

Plaintiff,

v.

Civil Action No. 18-cv-0068 (ASH)

UNITED STATES OF AMERICA et al.,

Defendant.

AMICUS DECLARATION SUPPLEMENT SUPPORT TO DOCKET ITEMS #491 and #483
OPPOSES ITEMS #209 and #492: RE SCOTUS RULING IN NO. 18-587 AND DOCKET
ITEM #461 STAY ORDER WITH LOCAL RULE 5-2 RELATED CASES OF AMICUS
CHRISTOPHER EARL STRUNK, THE NATURAL-BORN-CITIZEN (NBC) BIRTHER
TRUSTEE FOR THE AD HOC NEW YORKER REPUBLICAN COMMITTEE, STATUS
RECONSIDERATION MOTION FOR FRCvP RULE 65(b) RELIEF AT DOCKET ITEM
#483, AFFIRMATION IN OPPOSITION TO THE STATES AMICI CURIAE MOTION FOR
RELIEF AT DOCKET ITEM #209 BY : NEW YORK, CALIFORNIA, CONNECTICUT,
DELAWARE, HAWAII, ILLINOIS, IOWA, MAINE, MARYLAND, MASSACHUSETTS,
MINNESOTA, NEW MEXICO, NORTH CAROLINA, OREGON, PENNSYLVANIA,
RHODE ISLAND, VIRGINIA, VERMONT, WASHINGTON, AND THE DISTRICT OF
COLUMBIA IN OPPOSITION TO PLAINTIFFS' REQUEST FOR INJUNCTION AGAINST
THE DEFERRED ACTION FOR CHILDHOOD ARRIVAL (DACA)

EXHIBIT Q

POLITICS NEWS

Sen. Ted Cruz plans to renounce Canadian citizenship, amplifying White House buzz

By **LESLIE LARSON**

NEW YORK DAILY NEWS | DEC 30, 2013



FEEDBACK

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Republican Sen. Ted Cruz (c.) moved to Texas with his family in 1974 after the Cruzes had moved to Canada for his father Rafael's job. Cruz, who often flaunts his Texas roots, with his father and daughter, Caroline. (David J. Phillip/AP)

Ted Cruz doesn't want to be a Canuck anymore.

The Canadian born senator from Texas will be shedding his Canadian citizenship, leaving many to suspect he has greater political ambitions up his sleeve.

FEEDBACK

Unbeknownst to Cruz, he was automatically given Canadian citizenship upon his birth in Calgary in 1970, when his American mother and Cuban

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Though born abroad, his family returned to Texas in 1974 and Ted was bred to consider the Lone Star state his native land. Given his mother's U.S. citizenship, Ted Cruz was entitled to American nationality.

With dual citizenship standing in the way of his political future (namely, a White House run), the 43-year-old revealed to the Dallas Morning News he has "retained counsel that is preparing the paperwork to renounce" his Canadian heritage.

Cruz's birthplace caused tongues to wag, since the tea party star wears his Texas stripes on his sleeve - often opting for a pair of cowboys boots and accentuating his soft, southern drawl.

The irony of Cruz's provenance was duly noted since conservatives in the "birther" movement pounced on President Obama, accusing him of fabricating documents verifying his Hawaii birth place.

MOST READ

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Obama's mother, Ann Dunham, was an American and his father was Kenyan.

Cruz's mother, Eleanor, is a natural born U.S. citizen and his father, the outspoken Rafael, became a naturalized citizen in 2005.

His parents divorced in the nineties.

llarson@nydailynews.com

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

STATE OF TEXAS et al. ,

Plaintiff,

v.

Civil Action No. 18-cv-0068 (ASH)

UNITED STATES OF AMERICA et al.,

Defendant.

Ad Hoc New Yorker Republican Committee

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United States District Court
Southern District of Texas
FILED

NOV - 3 2020

David J. Bradley, Clerk of Court

United States District Clerk
of the UNITED STATES Court for
the Southern District Court Of Texas
515 Rusk Street, Room 5300
Houston, Texas 77002

Regarding: State of Texas et al., V United States Of America et al., 18-cv-068 (ASH)

Subject: In accordance with Reporting Requirements of Local Rule 5-2 for Related Cases AMICUS DECLARATION SUPPLEMENT SUPPORT TO DOCKET ITEMS #491 and #483 OPPOSES ITEMS #209 and #492: RE SCOTUS RULING IN NO. 18-587 AND DOCKET ITEM #461 STAY ORDER WITH LOCAL RULE 5-2 RELATED CASES OF AMICUS CHRISTOPHER EARL STRUNK... in favor of PLAINTIFFS' REQUEST FOR INJUNCTION AGAINST THE DEFERRED ACTION FOR CHILDHOOD ARRIVAL (DACA)

The Honorable Clerk of the Court,

With reference to the above Subject, I am Christopher Earl Strunk granted Amicus status according to the 21 August 2020 Order by the Honorable Andrew S. Hanen, shown as Docket Item 275, with a motion to reconsider Intervener status with extraordinary FRCvP Rule 65(b) relief shown as Docket Item 483 and Opposition Affidavit shown as Docket Item 491. hereby attaches the accompanying Amicus Strunk Declaration Supplement Support to Dockets Items #491 and #483 OPPOSES ITEMS #209 and #492 by Declaration of 10 pages affirmed 1 November 2020 with Exhibits O thru R with 16 pages:

Exhibit O: 26 October 2020, the NYS Court of Claims assigned Claim No. 135318 to Claims Judge Francis T. Collins - 2pps;

Exhibit P: Docket Item #492 UNOPPOSED MOTION OF CONGRESSMEN STEVE KING ET AL. FOR LEAVE TO FILE A MEMORANDUM OF LAW AS AMICI CURIAE IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT - 6pps;

Exhibit Q: 30 December 2013 reported by N.Y. Daily News Ted Cruz expressed interest renouncing Canadian Citizenship -5 pps;

**FACT SHEETS**

President Donald J. Trump Is Taking Action to Promote Good Governance and Accountability Within the Federal Workforce

Issued on: **October 21, 2020**



“

To empower our civil servants to best help others, the government must always operate more efficiently and more securely.

President Donald J. Trump

ENHANCING ACCOUNTABILITY: President Donald J. Trump is taking action to increase accountability for Federal employees who make substantive contributions to executive branch policy.

- Today, President Trump signed an Executive Order giving Federal agencies more flexibility to hold career employees in critical positions accountable.
- The order establishes a new classification within the Federal workforce titled “Schedule F” for employees serving in confidential, policy-determining, policy-making, or policy-advocating positions that are not normally subject to change as the result of a presidential transition.
- Under the order, Federal agencies will have more flexibility to hire “Schedule F” employees and will also be able to remove them without going through a lengthy appeals process.
- This action will enhance accountability for Federal employees who are responsible for making policy decisions that significantly affect the American people.

- The order will not affect the Senior Executive Service.

RESTORING PROPER OVERSIGHT: Agencies should be given greater flexibility to address poor performance in these positions.

- This order authorizes agencies to reclassify positions to better reflect their importance in developing and implementing policy.
- Removing poor performers, even from these critical positions, is time-consuming and difficult.
 - The Government Accountability Office reports that it takes 6 months to 1 year to remove Federal employees for poor performance.
 - Surveys show career Federal employees have long been frustrated with the failure of their agencies to hold poor performers accountable.
- Employees holding positions eligible to be reclassified as “Schedule F” should be held accountable for high performance, given their duties are vital for effective government operations.
- The order also prohibits certain personnel actions against “Schedule F” employees, including actions on the basis of the employee’s partisan affiliation, other protected characteristics, or because of the employee’s status as a whistleblower.

IMPROVING FEDERAL RESPONSIVENESS: President Trump has worked tirelessly to promote an efficient and streamlined Federal bureaucracy.

- President Trump has delivered on his promise to put in place commonsense reforms to ensure that the Federal Government better serves all Americans.
- In 2018, the President issued three Executive Orders to enhance the efficiency of Federal operations and reform the civil service to better work for the American people.
- The President signed game-changing legislation to bring accountability to the Department of Veterans Affairs and remove poor performers.
- President Trump and his Administration are working to reform and modernize the Federal hiring process.

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS**

STATE OF TEXAS et al. ,

Plaintiff,

v.

Civil Action No. 18-cv-0068 (ASH)

UNITED STATES OF AMERICA et al.,

Defendant.

CERTIFICATE OF SERVICE

That Movant Undersigned certifies and affirms under 28 USC 1746 hereby that he provides in addition to email, a true and correct copy of the motion practice **AMICUS DECLARATION SUPPLEMENT SUPPORT TO DOCKET ITEMS #491 and #483 OPPOSES ITEMS #209 and #492: with Exhibits O thru R affirmed 1 November 2020** based upon the proposed preliminary injunction order placed in properly addressed envelopes and postage for service by USPS certified / return receipt upon counsels :

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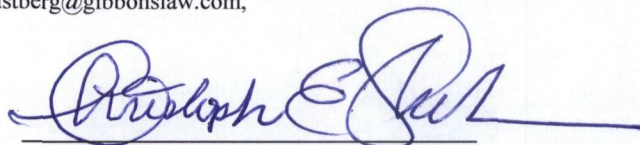
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Dated: November 2 2020
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